

Notice of Allowability

Application No.

09/763,903

Examiner

John Kim

Applicant(s)

HAIGHT, LEVOY G.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/8/03.
2. ☒ The allowed claim(s) is/are 1, 3-28 renumbered 1, 2-27.
3. ☒ The drawings filed on 08 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Allen Turner on 12/5/03.

The application has been amended as follows:

- New abstract is provided on a separate page.
 - Claim 4, line 29: "fluid passageway" has been changed to --second channel structure--.
2. The following is an examiner's statement of reasons for allowance:

None of the prior art of record teaches or suggests the medical filter of claim 20 comprising an inner conduit with an open interior and a perforated section, a flow channel at a first end to accommodate flow into or out of the inner conduit, a check valve at a second end, structured and arranged to permit flow from the inner conduit, an enclosure for the inner conduit, structured and arranged to define a fluid passageway exterior the perforated section, a filter medium positioned adjacent the perforated section such that fluid flow from the fluid passageway to the open interior must pass through the hydrophilic medium capable of blocking bacterial-sized particles and the valve means at the first end, structured and arranged to permit fluid flow from the open interior but to direct fluid flowing in the opposite direction into the fluid passageway and the medical filter of claim 21 comprising a filter support structure mounted within an interior volume of a container and including a plurality of filter elements arranged in approximately parallel stacked arrangement whereby to define a plurality of approximately

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parallel flow paths straddling the filter elements wherein each filter element includes first and second panel members, each having an exterior surface and an interior surface with apertures extending between the exterior and interior surfaces, first and second edge members connecting the panel members at the respective interior surfaces of the panel members, whereby to enclose an interior fluid flow zone within the filter element, the edge members having exterior and interior surfaces and carrying ports arranged to permit liquid to pass through the first edge member through the flow zone between opposed edge members and out the second edge member, hydrophilic filter medium mounted to the exterior surfaces of the first and second panel members to cover the apertures and flow control structure within the interior volume constructed and arranged to cause liquid introduced through the patient connection element to flow through the first edge member, through the zone, out the second edge member and then across the exterior surfaces of the panel members to the transport connection element and cause liquid introduced through the transport connection element to flow into the interior volume to surround the filter elements, through the filter medium into the interior zone and out said ports in the first edge member to the patient connection element. Claims 22-28 depend on the allowable claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The drawings were received on 7/8/03. These drawings are approved and replace Figures 1-2.


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response is (703) 872-9306.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


John Kim
Primary Examiner
Art Unit 1723

J. Kim
December 5, 2003

--Abstract of Disclosure

A medical filter (11) is constructed as a container with an interior volume in open fluid communication with a patient connection element (31) and a transport connection element (39). Filter support structure (13) mounted within the interior is structured as a thin, perforated member (14) carrying hydrophilic filter medium (17). A first flow path directs spent dialysate from the patient across the surface of the filter medium (17) to the transport connection (39). A second flow path directs fresh dialysate from the transport connection (39) through the filter medium (17) and the perforated support structure (13) to the patient connection (31).--